



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

25 JUL 1989

Jeffrey H. Frandsen
Attorney at Law
Parr, Richey, Obremskey
& Morton
121 Monument Circle, Suite 500
Indianapolis, Indiana 46204-2994

RE: Great Lakes Asphalt, Inc.

Dear Mr. Frandsen:

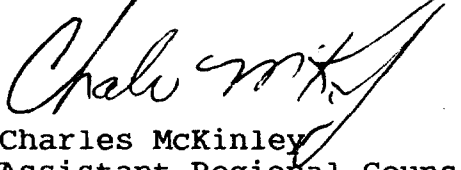
I am in receipt of your letter of July 7, 1989 and your letter of July 6, 1989. I have not had an opportunity to speak with Mr. Simes or Mr. Barnette to determine to which conversations you refer and upon which you based your understanding. However, it is this Agency's expectation that your client(s) will undertake the remaining removal work arising from the spill to which you referred. I believe that a unilateral CERCLA § 106 Order has been, or will soon be, issued which would impose that obligation on your client(s). Consequently, your client(s) would be responsible for selecting the appropriate disposal or treatment facility and for signing the manifest as generator.

As to your second understanding, the subject, I believe, is a question of law which is fact dependent. It is my suggestion that if you believe precautionary measures are necessary, your client(s) undertake them.

Your request to be involved in any conversations regarding the disposal of the contaminated soil can easily be accomplished by your client(s) undertaking responsibility for this activity. If

your client(s) fails to do so, we can provide no assurance regarding EPA's selection of a facility.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Charles McKinley".

Charles McKinley
Assistant Regional Counsel

cc: William Simes (5HS-11)
Jack Barnette (5HS-11)